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**BY ECF**

Hon. Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Kaleil Isaza Tuzman, et al.*, 15 Cr. 536(PGG)**

Dear Judge Gardephe:

This letter is respectfully submitted to request that the Court schedule a *Fatico* hearing in connection with the sentencing of defendant Omar Amanat. On July 24, 2018, the Government filed its sentencing submission in this case. The sentencing submission, including the report of Torben Voetmann, PhD, represents the Government's first full articulation of its theory regarding the loss amount in this case. We disagree with the both the complex methodology and the conclusion of the Voetmann report. We also believe that the Government has failed to justify the loss calculation for Counts One Through Three. A hearing is necessary where the defense should have the opportunity to question Dr. Voetmann and address any other necessary factual disputes.

We also believe that the Government has failed to establish the propriety of enhancements for a substantial part of the scheme occurring outside of the United States and for Mr. Amanat being associated with an investment advisor. We do not believe a hearing is necessary on these issues, but we defer to the Court on the necessity of additional factual inquiry.<sup>1</sup>

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<sup>1</sup> We also dispute the Government's assertion that an obstruction of justice enhancement is appropriate, as we expect to address after the factual issues have been addressed.



While these issues are complex, given Mr. Amanat's continued detention and given that family members of Mr. Amanat have traveled to the United States to attend sentencing, we respectfully request that the Court schedule the *Fatico* hearing at the earliest practical date and that the Government be required to produce 3500 material for any hearing witnesses substantially in advance of the hearing date.

We appreciate the Court's consideration.

Respectfully submitted,

/s/ Randall W. Jackson  
Randall W. Jackson  
Joanna Wright

**cc: All parties**